



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,646	01/23/2001	Youji Kohda	1405.1032/JDH	4296

21171 7590 09/27/2004  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/766,646

Applicant(s)

KOHDA ET AL.

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3622

## **SECOND ACTION REJECTION**

**(Paper# 9/20/2004)**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

The drawings filed on 6/21/2004 are accepted by the Examiner; however, said drawings are subject to review by the USPTO Official Draftsperson.

### **CLAIM REJECTIONS — 35 U.S.C. §101**

2. **Rejections Maintained.**

### **CLAIM REJECTIONS — 35 U.S.C. §103( a )**

3. **Rejections Maintained.**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3622

4. Claims 1-26 are rejected under 35 U.S.C. §103( a ) as being obvious over Hunt 6,223,215 (4/24/2001) [US f/d: 9/22/1998] (herein referred to as "Hunt").

As per independent claim 1, Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all the elements and limitations of claim 1.

Hunt lacks explicit recitation of the phrase "information on a third party being able to supply additional information about said product from a first user. . . ."; however,

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document; and particularly col. 2, ll. 32-50; and col. 1, ll. 35-60) implicitly shows "information on a third party being able to supply additional information about said product from a first user. . . ." and it would have been obvious to modify and interpret the disclosure of Hunt cited above as implicitly showing "information on a third party being able to supply additional information about said product from a first user. . . .", because modification and interpretation of the cited disclosure of Hunt would have provided means of "*interactive network session tracking form inbound source to net sale. . . .*" (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that "*the 'seam' between the catalog subsystem and the purchase subsystem is eliminated.*" (See Hunt (col. 2, ll. 49-60)).

Art Unit: 3622

As per dependent claims 2-10, Hunt shows the method of claim 1 and subsequent base claims depending from claim 1.

Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all of the elements and limitations of claims 2-10; however,

Hunt lacks explicit recitation of some of the elements and limitations of claims 2-10.

"Official Notice" is taken that both the concepts and the advantages of all of the elements and limitations of claims 2-10, were well known and expected in the art by one of ordinary skill at the time of the invention because, for example, it would have been obvious to modify and interpret the disclosure of Hunt cited above as showing all of the elements and limitations of claims 2-10, because modification and interpretation of the cited disclosure of Hunt would have provided means of *"interactive network session tracking form inbound source to net sale. . . ."* (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that *"the 'seam' between the catalog) subsystem and the purchase subsystem is eliminated."* (See Hunt (col. 2, ll. 49-60)).

Independent claim 11 is rejected for substantially the same reasons as independent claim 1.

Art Unit: 3622

Independent claim 12 is rejected for substantially the same reasons as independent claim 1.

As per independent claim 13, Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all the elements and limitations of claim 13.

Hunt lacks explicit recitation of the phrase “prompting a user to select a desired product and vendor form which said user intends to purchase said product. . . .”; however,

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows “prompting a user to select a desired product and vendor form which said user intends to purchase said product. . . .” and it would have been obvious to modify and interpret the disclosure of Hunt cited above as implicitly showing “prompting a user to select a desired product and vendor form which said user intends to purchase said product. . . .”, because modification and interpretation of the cited disclosure of Hunt would have provided means of “*interactive network session tracking form inbound source to net sale. . . .*” (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that “*the ‘seam’*”).

Art Unit: 3622

*between the catalog) subsystem and the purchase subsystem is eliminated.” (See Hunt (col. 2, ll. 49-60)).*

Independent claim 14 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 15-20, Hunt shows the method of claim 14 and subsequent base claims depending from claim 14.

Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all of the elements and limitations of claims 15-20; however,

Hunt lacks explicit recitation of some of the elements and limitations of claims 15-20.

“Official Notice” is taken that both the concepts and the advantages of all of the elements and limitations of claims 15-20, were well known and expected in the art by one of ordinary skill at the time of the invention because, for example, it would have been obvious to modify and interpret the disclosure of Hunt cited above as showing all of the elements and limitations of claims 15-20, because modification and interpretation of the cited disclosure of Hunt would have provided means of “*interactive network session tracking form inbound source to net sale. . . .*” (see Hunt (col. 2, ll. 5-15), based on the

Art Unit: 3622

motivation to modify Hunt so that *“the ‘seam’ between the catalog) subsystem and the purchase subsystem is eliminated.”* (See Hunt (col. 2, ll. 49-60)).

Independent claim 21 is rejected for substantially the same reasons as independent claim 1.

Independent claim 22 is rejected for substantially the same reasons as independent claim 21.

Independent claim 23 is rejected for substantially the same reasons as independent claim 13.

As per dependent claims 24-26, Hunt shows the method of claim 23.

Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all of the elements and limitations of claims 24-26; however,

Hunt lacks explicit recitation of some of the elements and limitations of claims 24-26.

“Official Notice” is taken that both the concepts and the advantages of all of the elements and limitations of claims 24-26, were well known and expected in the art by one



Art Unit: 3622

of ordinary skill at the time of the invention because, for example, it would have been obvious to modify and interpret the disclosure of Hunt cited above as showing all of the elements and limitations of claims 24-26, because modification and interpretation of the cited disclosure of Hunt would have provided means of *"interactive network session tracking form inbound source to net sale. . . ."* (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that *"the 'seam' between the catalog subsystem and the purchase subsystem is eliminated."* (See Hunt (col. 2, ll. 49-60)).

## RESPONSE TO ARGUMENTS

5. Applicant's arguments (Amendment paper# 6/21/2004) have been fully considered but they are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection introduced by the Examiner in the instant Office action.

## CONCLUSION

6. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

Art Unit: 3622

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

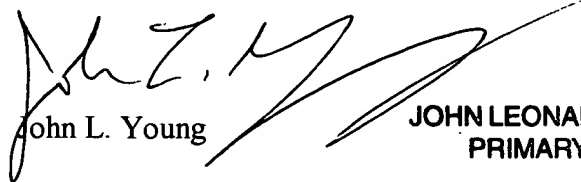
Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

**JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER**

Primary Patent Examiner

September 20, 2004